

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Peter Hoch
Serial Number:	09/911,437
Filed:	At Issue in This Petition
For:	GEAR RACK ARRANGEMENT HAVING RESILIENTLY BRACED GEAR RACKS AND ANTI-DETACHMENT MEANS
Art Unit:	2512
Examiner:	Kevin Watkins

5

PETITION TO BE ACCORDED FILING DATE OF REVIVED PARENT  
APPLICATION and RESPONSE TO NOTICE OF INCOMPLETE APPLICATION

10 Hon. Assistant Commissioner for Patents  
 U. S. Patent and Trademark Office  
 Washington, D.C. 20231

Sir:

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15 Applicant hereby petitions to be accorded the filing date (5/18/95) of parent application (08/443,518) for the above-identified continuation application. It is submitted that the proper filing date was denied in error in a Notice Of Incomplete Non-provisional Application mailed 09/07/2001.

20 This petition includes a complete response to the Notice of Incomplete Non-provisional Application and an authorization to charge all fees in connection with the petition and response to the notice to applicant's Deposit Account 07-0832.

STATEMENT OF FACTS

25

1. The Board of Patent Appeals and Interferences issued a decision on 24 January 2001 affirming the final rejection of Claims 1, 6 and 7 (all active claims) of

parent application S/N 08/443,518. The parent application became abandoned for as of the date the decision of the Board was mailed (24 January 2001).

2. Applicant filed a Petition to Revive the parent application on 24 July 2001  
5 for the sole purpose of filing the subject continuation application. A copy of applicant's petition is enclosed (Enclosure 1).

3. Applicant's Petition to Revive the parent application 08/443,518 was granted by the Office of Petitions on 27 August 2001 (Enclosure 2), thereby 10 establishing continuity of the parent application and the present continuation application. (The parent application was abandoned with the filing of the continuation application.)

4. Applicant then received a Notice of Incomplete Nonprovisional  
15 Application mailed 09/07/2001 (Enclosure 3). The Notice denied a filing date to applicant's continuing application and required submission of an oath or declaration and a *complete specification*.

#### SUBMISSION

20 It is submitted that while the requirement for a new oath or declaration was proper, the action of denying the filing date of the present continuing application as lacking a complete specification was improper because none was required as evidenced by Enclosures 1, 2 and 3.

These enclosures clearly show that at the time this continuing application  
25 was filed, there was continuity between the parent and continuing applications and so the filing date accorded this continuing application should have been the filing date (18 May 1995) of the parent application.

#### RESPONSE TO NOTICE

30 Enclosed herewith is a complete response to the Notice of Incomplete Non-Provisional Application including a copy of the complete specification (Enclosure 4), a copy of the original Declaration and Assignment in the parent application (Enclosure 5) and a copy of a new Declaration and Assignment for the continuing application.

RELIEF REQUESTED

It is respectfully requested that the present continuing application be accorded the filing date, 18 May 1995, of the parent application 08/443,518.

5

FEES

The Notice of Incomplete Non-Provisional Application was mailed 7 September 2001 having a two month response date which ended 7 November 2001. Enclosed is a request for a one month extension of time to 7 December 10 2001. Enclosed is an authorization to charge applicant's Deposit Account Number 07-0832 for this fee.

- Since this petition states that the application is entitled to a filing date (see enclosed Notice), applicant hereby requests a refund of the petition fee.

15

Enclosed herewith is a paper authorizing a charge to applicant's deposit account for the petition fee and extension of time fee. Please charge any other fees which may be due and credit any overpayment to the Deposit Account Number 07-0832.

20

Please address all communications to:  
Joseph S. Tripoli  
Thomson Multimedia Licensing, Inc.  
Post Office Box 5312  
Princeton, New Jersey 08543-5312

Respectfully submitted,

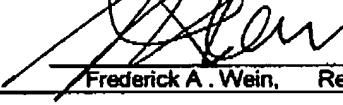


Frederick A. Wein, Attorney  
Reg. No. 27,168

Certificate of Mailing Pursuant to 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in a postage paid envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. on the date indicated below.

12/7/01  
Date

  
Frederick A. Wein, Reg. No. 27,168

Enclosures 1-6, as stated.

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Under the Paperwork Reduction Act of 1995

Approved for use through 10/31/2002. OMB 0551-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

as it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2002

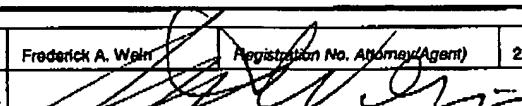
Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 240.00)

Complete If Known	
Application Number	09/911,497
Filing Date	July 24, 2001
First Named Inventor	Hoch
Examiner Name	Watkins
Group / Art Unit	2512
Attorney Docket No.	RCA 87,911

METHOD OF PAYMENT (check one)				FEE CALCULATION (continued)																																																																																																																																																																																									
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number <b>07-0832</b></p> <p>Deposit Account Name <b>THOMSON multimedia Licensing Inc.</b></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>				<p><b>3. ADDITIONAL FEES</b></p> <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td>\$110</td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>480</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>250</td><td>221</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - 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\*\* or number previously paid, if greater; For Reissues, see above

SUBMITTED BY						Complete (if applicable)
Name (Print/Type)	Frederick A. Wein	Registration No. Attorney/Agent)	27,168	Telephone	609-734-8518	
Signature				Date	December 7, 2001	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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**THOMSON** MULTIMEDIA LICENSING INC.

**FACSIMILE TRANSMISSION**

Thomson Multimedia Licensing Inc.

2 Independence Way

Princeton, NJ 08540

**FAX: (609) 734-9700**

**PHONE: (609) 734-9400**

**TO:** Joe Hail-USPTO

**LOCATION:** \_\_\_\_\_

**FAX NO.:** 703 746 3267 **EXT:** \_\_\_\_\_

**FROM:** Fred Wein-Patent Operations

**EXT:** \_\_\_\_\_ **NO. OF PAGES (including cover)** 6

**DATE:** June 27, 2002

**REMARKS:** SN 09/911,437, our docket No. 87,911  
Per your telecon with JS Tripoli this date, concerning documents  
sent Dec. 7, 2001, enclosed is a copy of the petition, fee  
transmittal and extension of time, all sent that date with a certificate  
of mailing

  
27, 168

**IF YOU ARE MISSING PAGES OR IF NOT RECEIVED PROPERLY,**

**PLEASE CALL.**